

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

David Gibson 15A2714

Plaintiff(s),

v.

PATRICK Reardon Et Al

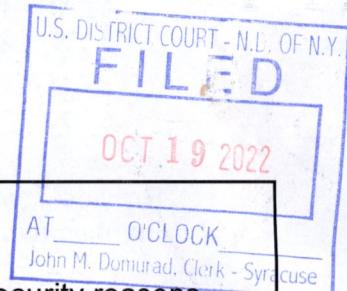
Defendant(s).

**COMPLAINT**  
(Pro Se Prisoner)

**Case No.** 9:22-cv-00723 BKH/CFH  
(Assigned by Clerk's  
Office upon filing)

**Jury Demand**

Yes  
 No



**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore **not** contain: an individual's social security number, taxpayer identification number, or birth date; the name of a person known to be a minor; or a financial account number. A filing may include **only**: the last four digits of a social security number or taxpayer-identification number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Fed. R. Civ. P. 5.2.

**I. LEGAL BASIS FOR COMPLAINT**

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution and laws of the United States. Indicate below the federal basis for your claims.

42 U.S.C. § 1983 (state, county, or municipal defendants)  
 *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)  
 Other (please specify) \_\_\_\_\_

**II. PLAINTIFF(S) INFORMATION**Name: David GibsonPrisoner ID #: 15A2714Place of detention: Murcy C.R.Address: Box 3600 Murcy, NY 13403-3600

Indicate your confinement status when the alleged wrongdoing occurred:

Pretrial detainee  
 Civilly committed detainee  
 Convicted and sentenced state prisoner  
 Convicted and sentenced federal prisoner  
 Immigration detainee

Provide any other names by which you are or have been known and any other identification numbers associated with prior periods of incarceration:

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If there are additional plaintiffs, each person must provide all of the information requested in this section and must sign the complaint; additional sheets of paper may be used and attached to this complaint.

**III. DEFENDANT(S) INFORMATION**

Defendant No. 1:

PATRICK Reardon

Name (Last, First)

Superintendent

Job Title

Murcy C.R. Box 3600

Work Address

MurcyNY13403-3600

City

State

Zip Code

Defendant No. 2:

Deputy of Security Snyder

Name (Last, First)

Deputy of Security

Job Title

3

Myrcy C.F. Box 3600

Work Address

MyrcyNY13403-3600

City

State

Zip Code

Defendant No. 3:

Plant Superintendent Wiggins AKA John Kunta

Name (Last, First)

Plant Superintendent

Job Title

Myrcy C.F. Box 3600

Work Address

MyrcyNY13403-3600

City

State

Zip Code

Defendant No. 4:

Captain Keipczk

Name (Last, First)

Captain

Job Title

Myrcy C.F. Box 3600

Work Address

MyrcyN.Y13403-3600

City

State

Zip Code

If there are additional defendants, the information requested in this section must be provided for each person; additional sheets of paper may be used and attached to this complaint.

#### IV. STATEMENT OF FACTS

State briefly and concisely the facts supporting your claims. Describe the events in the order they happened. Your statement of facts should include the following:

- The date(s) on which the events occurred
- Where these events took place (identify the facility and, if relevant, the specific location in the facility)

- How each defendant was involved in the conduct you are complaining about

If you were physically injured by the alleged misconduct, describe the nature of your injuries and the medical evaluation and treatment you were provided. You need not cite to case law or statutes or provide legal argument in the Statement of Facts. Use additional sheets of paper if necessary.

P. Richardson IN Hernandez v. Keane 2nd Cir to Find a defendant  
Guilty of Training Submatters, Negligence of Hiring A defendant  
Has to be Aware of the unconstitutional act and In  
Discovery Plaintiff would like to prevent, How Many Guards,  
lawyers, and Complaints. Due The Marcy C.F. Defendant Have  
for Excessive Force, Falsifying Report, And Complaints Not  
Working When Needed. If the Election is within the  
Complaints (Whom Not A defendant) in Marcy RMH. A Federal  
Funded Program for Mentally Ill I/I<sup>2</sup>, The Contract would  
STATE A Time Frame, Due to Covid There Could Be a  
Delay But There are Alternatives. Such As body Camera  
To Prevent A Clear Pattern of Degraded Treatment, Clear  
Pattern of Deliberate Indifference of Guards Pattern of Abuse  
Multiple Assaults, Multiple Excessive Force On Extraction  
Multiple Food Tampering Complaints, Multiple Illegible  
Deprivations, Multiple Mail Tampering, Multiple Falsifying  
Document. By knowing of A unconstitutional is occurring or will be in Future

#### V. STATEMENT OF CLAIM(S)

State briefly and concisely the constitutional and/or statutory basis for each claim you seek to assert and identify the defendant(s) against whom each claim is

Defendant No. 5 Foi Officer J. Bell Foi officer  
Marcy C.F. Box 3600 Marcy, NY 13403-3600

Defendant No. 6 SGT Carpenter Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 7 SGT. Ziar Marcy C.F. Box 3600 Marcy New York

Defendant No. 8 SGT. Keeney Marcy C.F. Box 3600 Marcy, New York 13403

Defendant No. 9 C.O. Amanda Joe Mayne Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 10 C.O. Hugo Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 11 C.O. R. Giordani Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 12 C.O. Jimmy WATER Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 13 C.O. Robert Kessler Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 14 C.O. Roberts Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 15 C.O. M. Iamuniz Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 16 C.O. A. BiziKA Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 17 C.O. James Chapman Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 18 C.O. Hest Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 19 C.O. A. Bawinski Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 20 C.O. M. Vitale Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 21 C.O. Metilius Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 22 C.O. Andertes Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 23 R.N. Shabon Dakhocco Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 24 C.O. CORNELL Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 25 SGT C. Bennett Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 26 C.O. Westly Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 27 SGT Klechi Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 28 C.O. Afranese Marcy C.F. Box 3600 Marcy, NY 13403

Defendant No. 29 M. Jane Marcy C.F. Box 3600 Marcy, NY 13403

6

In one of several ways, including when that individual 1) has directly participated in the challenged conduct. On 5-5-22 the incident occurred, Plaintiff filed a grievance that was alleged to not have been received until 6-1-22. Tape 22-1153 review date 5-6-22 by Supt Reardon. It is department policy that the Superintendent review all uses of force especially ones that are on video and audio. Look at Exhibit 27 on Incident date & time 05/05/2022. It would be not in D.O.C.L.O.S. Policy or very unprofessional that Defendant Reardon wouldn't look at video, or photo outside charges in Mercy AMHU, when Plaintiff family called and called on 05/06/2022. Defendant Reardon, Captain Keipack been Plaintiff 05/06/2022 and the day Plaintiff started his hearing, there is a case that approx 5 years or 3, Acting Superintendent Reardon, Deputy Superintendent Brian Hilton, and SGT Keipack alleged to watch or condone STAFF beat and punch a cuffed inmate when Defendant Reardon refuse to make his self "aware because you a superior" are not aware of the violation you can't be responsible. Please hear 22-1153 audio and when, if the Defendant would ~~refuse~~ ~~refuse~~ hearing tape video technician never states why the other video was available or did Captain Keipack allow Plaintiff witness video technician or did he allow Plaintiff Superintendent Brad V. Jackson (2d Cir 1986) The tangible connection please see that the only people who have 24/7 access to the video system to Red Flag, save or edit, delete to the Mercy Administration and Albany Brian Hilton

Chief Marcy Cof. Administration (1) Superintendent Reardon (2)

~~Reardon~~ Deputy of Security Snyder (3) Captain Karpick

(4) FOI officer Bell But ~~not~~ for Not only did <sup>7</sup> Defendant PATRICK Reardon directly Participate in the Challenger Conduct. He also failed to Remedy/Correct the 8th Amendment Violation By

Defendant's in Excessive force. Plaintiff handed out three Certified Mail Return Receipt 702109000189321277 (Whom Not A defendant) I.I. Lucy Lucy

Plaintiff letter was Recd 5-18-22, Almost 2 weeks After incident three chain of command I.I. Lucy Lucy Is to Notify Defendant

Reardon that A I.I. Is writing About A Assault that is own Video

that P. Reardon Has access too on 5-18-22 Plaintiff letter to

Chief District Judge Glenn T. Suddaby # 70210950000189321079

Were again Plaintiff Sent A copy of A FOI Request Complaining of being Assaulted by Guards Asking for Help and Explain it Is A Video: on 5-31-22 Plaintiff sent A copy to Governor Kathleen Hochul Certified Mail Return Receipt 70210950

0000189321284 Were again He says and Complains of

Not Getting FOI Request, Not Having Grievance

Responded to Being Assaulted on Video & Audio and Defendant

Covering up the Excessive Force Plaintiff Sent Governor

A letter claiming Defendant FOI officer Bell Not timely

Responding to FOI Request But for P. Reardon Not

Remedy the Violation But for Captain Karpick Speach

to Plaintiff Family Hour tape 22-1153 whom tells

~~Reardon~~ ~~of~~ Defendant Karpick of Excessive force by

Defendant's WATER, Giordano, C. A. Bremonti, Robert

Kessler, Iomarino, And Chaplain And tells defendant about video.

8 8 8

Now under Bass v. Jackson 790 F.2d 260, 263 (2d Cir. 1986) quoting There Must Be a tangible Connection Between the Constitutional Violation Now Plaintiff Started Hearing on 5-9-22 4 days After incident Plaintiff tell's Defendant Keirbeck He wants All Video Footage Defendant Video technician Jane Doe Person A Person(Playe) Hear tape 22-1153 She says the video was Person in A Part And the Root was Not Defendant Keirbeck deny Plaintiff's witness on Why She didn't say Audio only And Could the Cone Be Fixed or de-Coded) imediately Defendants Are Attempting to Cover up the Assault Now 5-06-22 Defendant P. Reardon or Superintendent's Assistant John or Jane Doe review the excessive force video (2) After learning of the violation Throw report of Appeal has failed to remedy the wrong (5) Failed to act on Information indicating that unconstitutional acts were occurring Iqbal v. Hasty 410 F.3d 143, 152-53 (2d Cir. 2007) rev'd on other grounds, Sub Nom Ashcroft v. Iqbal 554 U. S 902, 128 S. Ct 2931, 171 L.E.D. 2d 501; Williams v. Smith 781 F.2d 319, 323-24 (2d Cir. 1986) It is common that the Defendant Reardon's Assistant review video in U.I. Report It say was instant because Yes was view Noo) After review Use of force If the Defendant If Defendant Superintendent Assistant Jane or John Doe review A Executive force the Defendant Reardon to contact outside law enforcement The D.O.C.L.O. Chain of Command

9

9

I8 Superintendent Heydon, Deputy of Security Snyder  
 Captain KemperK Defendant KemperK Is Head of  
 Security for RMHU The Moment the Audio Tape  
 Started He STARTed Covering And Violating N.Y.S.D.O.C.C.J  
 Part 254.1 Hearing Officer (b) James Chapman was sent to  
 due my Assistance And was in My USE of Force (d) Defendant  
 KemperK Came And Seen Me Before my Hearing Started  
 And He'd investigated the incident Hear Tape 22-1153  
 "He was doing A Favor for my Mother" (Whom He lied  
 To) Violating my 14th Amendment I Could Not Properly  
 defend my Case was Not a Fair Trial the Video Case  
 was a Security Code that Could be DE-Coded Denial  
 of the Video Technician witness was Not Redundant  
 If She Stated In Her Memorandum the Video  
 was Not Just Audio He Refuses my  
 witness To Attempt to Cover up the Assault If There  
 was A Alleged un-Hygeniz Act why did You Not  
 Photo out of Charger or If It was A Video why  
 didn't The Superintendent Review the Camera Ployer  
 Listen to type of Flash Drive, Access to Courts claim  
 From May 19, 2022 To June 19, 2022 Plaintiff Had  
 to Amend 9:22-CV-00270 GT8-ATB And Defendant  
 Carpenter, Cornelius, Metilus Had been Giving Plaintiff broken  
 tablet's Not Giving Plaintiff A tablet At All Ployer  
 See letter to Law Library Supervisor C.F. leone About  
 STAFF denying Him tablet And How He Has civil cases  
 In fact In 9:22-CV-00270 GT8-ATB the last two ployer



 13 ~~13~~

Plaintiff Put Wrong Case He Failed to State A  
 Claim. Because Defendant Carpenter And Cornell And  
 Mettius gave Him broken law library tablet And  
 denied Him A tablet in total And defendant  
 Keydon, Deputy of Program Deputy of Security  
 Snyder failed to remedy the wrong Thummey  
~~Subordinate~~ Subordinate (5) Failed to act on Information  
 indicating that unconstitutional acts Were occurring If You  
 look on C.f. Ione letter to Plaintiff Was June 30, 2022  
 Defendant Mostly Continue to deny Plaintiff's law  
 liberty tablet After they Interfered with His legal Research  
 to Amend Complaint, Failing to allow legal Assistance  
 In a form to Attack, to Attack to challenge His  
 Confinement from 8-3-22 to 10-3-22 Even Now Defendant  
 Keippeck Is denying his law library tablet Plaintiff  
 Can't Properly Work on court of claim No. 138090  
 OR Civil Case 9-22-CV-00723-BKs They Defendant  
 Keippeck Keep Renowing A Illegal deprivation And  
 Please See letter to Honorable Brendy K. Sanner 70220416  
 000195589. These Acts Started May And Have lead All  
 the way up in to October. Mail Tampering Under  
 Davis, 320 F.3d 91351 From 9-8-22 to 9-30-22  
 SGT Keeney, SGT ~~Keeney~~ <sup>Keippeck</sup> Have Been Censoring  
 Plaintiff's legal Mail Splitting the Side open and Glueing  
 It back Even to this court Please check envelope sides  
 To 702204000019515589 to Honorable Brendy K. Sanner  
 And Please check letter to court Clerk from 9-30-22

On 10-11-22 to  
From 9-8-22

Defendant SHERIFF Keeney, C.O. Waters, And Giordani  
And SHERIFF ~~Deputy~~ <sup>Klich</sup> Have been Illegally splitting  
Plaintiff legal mail to Lucy Ivey Inspector General  
70220410000195156081, United States Commissioner on  
Civil Rights 70220410000195156234, Law Human  
Health Service Department (This legal representation was  
A Complaint about staff Ripping of A Motion  
to District Judge John G. Koeltl They ripped the  
Article Number of 70211970000087268569) 702204100001  
95156623, Pro-Se office Court Clerk 7021197000008726  
8578, And Again to John G. Koeltl 7021197000008726  
8651, And 70211970000087268644. C.O. Waters  
And Giordani Have been with Holding Plaintiff law library  
Photo Copier Plaintiff Can't timely file Discovery for Court  
of Claims No. 138090 SHERIFF Zigar Conspirator Plaintiff's  
letter to Queens Court File unit at the time Plaintiff  
didn't have 7 years in Docs custody to file Documents  
by during this He caused Plaintiff injury Incoming  
legal Mail 7-22-22 Plaintiff received A letter from  
the Southern District Court Clerk Pertaining to 22-cv-1122  
Whom was about SHERIFF Carpenter Plaintiff being Put  
on 9 depriviation On ~~06-28-22~~ June 28, 2022 That  
law library Notary C.O. Amanda Joe Mayne Reys And  
Conspired to Mail theft by Committing the following by  
Notify legal Action Plaintiff was performing 7-22-22  
C.O. Mayne Comes to Plaintiff Cell Says He Is on Cell  
Shall Walks off And Never Comes back Plaintiff deadline

12

W/95 August 12, 2022 Defendants didn't give Plaintiff His Mail in till August 16, 2022, Missing Deadline. Around September 5, 2022 Plaintiff Recvrs Another letter from Southern District About A Default Judgement that the law library officer didn't give Plaintiff As of today Plaintiff Has Submitted FOIA/PA Justice Management Division MRU-FoIA-71-038 on 8-14-22 20211970000087268859 He Never Recvrs any Response on ██████████. 7-29-22 the Court Clerk Mailed Plaintiff A Civil Docket And A IFP and Authorization Defendant C.O. Mayne Gave Plaintiff legal Mail that was open outside His presence with No Authorization form Because Plaintiff Sent The I.F.P Application the Defendant Another Failed to Stop Plaintiff from Filing 9:22-cv-00723-BK8 The Court Clerk Is in Position of the letter and Exhibits Submitted by Plaintiff C.O. Mayne Also on 9-16-22 ██████████ First Came to Plaintiff Cell Plaintiff Has Multiple Grievance on C.O. Mayne and Matay law library this day He ask C.O. Mayne does He Have legal Mail She says No then comes back say she Just realized He does and Give Plaintiff A Judge Minilly Envelope from U.S. Court of Appeals About 22-1868 U.S.C.A on 9-30-22 when Plaintiff realized that the Defendant Have been opening His Certified legal mail Glueing It back He been Glue Resistant on Envelope A ongoing Washington D.C.

13

James, 782 F.2d 1134, 1139 (2d Cir 1986)

INTERFERENCE WITH RELIGIOUS NEEDS Plaintiff Is A  
active Rastafarian Under The STAR OF DAVID WHOM  
Emperor Salomon Was Belived To Be A Bloodline  
to Solomon David's Father in law King of the Hebrews  
anything ~~unrelated~~ Unrelated Is For Belief in his  
Faith 7-18-22 C.O. James Chaplain Gave Plaintiff  
His breakfast tray Per D.O.B.C.S Policy each Meal  
Should consist of No less the 1000 Calories  
A day Plaintiff Had 1 Cereal He Stop SGT  
Carpenter And Complain of STAFF Food Tampering

At lunch Now James Chaplain Gives Plaintiff  
A Shredded Burnt Tray as He Thinks And Shows  
the Cereal And SGT Carpenter Again whom  
Deny Him a Full Meal SGT Carpenter tells Him at  
least it doesn't Hurt ~~him~~ Holes again Every day  
Plaintiff Bred To Wet Plaintiff Came to Mercy

C.F. 238 Pound He Is Now 190 195 in 5  
Month Last time He took His weight RN Darlene

tempered with Scale 8-3-22 Plaintiff Was Giving Donuts  
With Spit like wetness, Just like Every day from 5-17-22  
to Now, Plaintiff eat donut And Has Freezing Feeling in  
Stomach Please See Medical Records 8-4-22

C.O. Chaplain Again Give Plaintiff A Burnt Kasher  
tray this time He Show Nurse And Complain  
See Medical Records 8-4-22 After 6-3-22  
Plaintiff Was Given A Kosher tray with broke Nutz

14

Cracker By Defendant BiziKA who Has a white  
Supremacy Nyfzi tattoo on his right forearm in world war  
2 Hitler chased Emperor Selassie out of ethiopia There  
Has been Multiple days the Defendant tamper with  
Plaintiff Religious meal 9-21-22 Defendant Gave Plaintiff  
against a open Jewish tray with Anti Freeze OR Peper  
Spray this was Continued 9-22-22, 9-29-22, and 9-30-22  
James Chapman Is now opening By Poking Holes  
And burning the Plastic so It melts Sealed  
up in till Yesterday Plaintiff Bread was wet as defendant  
Spit on it Please See Medical Record 2 10-3-22  
Causing Plaintiff Multiple weight loss, Stomach Pain, throat  
itching and Violating his Rastafarian Faith And as  
of today 10-4-22 Plaintiff outer seal was melted  
like Glued To Plastic tray But ~~the~~ The inner seal Is  
open Plaintiff has burning feeling in chest because Defendant  
are Injecting poison In His Religious Food Continuously  
EXcessive force, Failure to intervene, Whitley v. Alberts  
Supreme Court United States March 4, 1986 (05/05/2022)  
Plaintiff came out RMHU Program Cross Gate Defendant  
R. Giordani Told Plaintiff To Get on the wall Plaintiff  
was Hand Cuffed from behind in M.B.R SSGMT Bennett  
Stated Plaintiff Attempted To "Pull away" In Whitley  
v. Alberts Congress looks at the force used was  
It Justifiable The threat that the Person Poses to  
law enforcement when force was used Please  
Listen to Flash Drive In M.B.R Defendants say

15

Plaintiff Became agitated (Mental I'll It Is in  
Choices why did He Place Plaintiff on the wall when  
Plaintiff was in Movment to His Cell RMTU Policy If You  
Want O.M.H. You Have to Go back to Your Cell Plaintiff  
Was Already Going back to His Cell) Plaintiff Is Hand  
Cuffed from Behind on A Wall, The Defendant didn't say Plaintiff  
lunged back at Him He said "Pull Away" when Slammed  
on Floor Defendant Began Punching Plaintiff, Poking in Eye,  
Plaintiff Has Now Hand's He is screaming I am Not Rioting  
AH AH AH ! Please Listen to Fletch drin 5 Correction  
Officers C.O. Roberts Is 300 Plus Pound, C.O. WATER, Is  
about 200 Pound, C.O. Giordani 150 Pound, Turner Chaplain  
Forcefully leg shackles Plaintiff C.O. A. Brownski sprup Plaintiff  
Screaming "Motherfucker"! Hear type C.O. Lomaniza Policy  
Plaintiff in Eye In M.B.R And C.I. Defendants Bennett.  
Never stated were He was TRAINING subordinates 3, 4, 5, 6  
He was Not there to supervise the early Go back He  
was suppose to be there once C.O. & Roberts, Giordani, Waters dragger  
Plaintiff with one shoe Punching Him Pulling His Hair out Making  
Racial Slurs to be decontaminated He was brought to First Floor  
Ticket with one shoe Defendant Robert Koester began to  
Punch Plaintiff In his Right Eye With defendants A. Biziak  
WATERS, Roberts, Giordani when brought to  
Medical Plaintiff Continued to SCREAM when  
Defendant Shuron D'Arruccio told Plaintiff to  
Shut up And since He won't shut or stop  
SCREAMING TAKE HIM back to his Cell when Defendants Koester

16 08 2022

Told Plaintiff Gibson How does it feel intimidating

Him C.O. Biting Standing to His Right Kessler, And

Robert, Behind Him Defendant Shaken DaRocco

STATED in 05/05/2022 Medical Records Yelling

(Point out Plaintiff screaming in shock and agony) SPITTING

Plaintiff was paper sprayed (If Plaintiff spit at

Jeff He would Be forced to wear a spit mark

As Alleged Defendant Icy shackled Plaintiff)

Considered a Refusal Not Plaintiff Refuse or

Did He get the opportunity to Refuse The Defendants

Refused Me In U.I Report TApe 22-1153 with

As of Now the Defendant wont Process The

U.I. Report says Seen Cell Side No Injury Notice

But did not say this in Medical Records with

S. DaRocco History of Lawsuit, Grievance, Complaints

Off When Mercy HMH Assault A Inmate Defendant

DaRocco Is almost always there to Deny Medical

Attention 05/06/2022 Plaintiff was seen By Another

Mrs Who Documented Black eye, because Since Plaintiff

Has Constant Head aches And Eye is damaged when staring

At light To long. ~~Plaintiff~~ When Plaintiff

Was brought to his cell C.O. Hestie Was squeezing

Plaintiff Hand when The Defendants were forcefully

un-shackling Him. 06/07/2022 Plaintiff Calls on

Chair C.I. M. Vitale Comer with OMH Plaintiff Is screaming

to Another Inmate And who Is own the Phone With

his Grandmother Complaining about STAFF Tampering with

17

his legal Mail C.o. M.Vitale Alleges Said Plaintiff  
 Said He would Put Shit in A bottle And throw  
 N.Y.S.D.o.C.C.s Policy If Plaintiff stated this and  
 C.o. M.Vitale Felt OR Seen A throw bottle the  
 Proper procedure Is to Alert A SGT, SGT Miller  
 And to Get the "Bus stop" "Move back Not forward  
 Plaintiff didn't Hear A bottle C.o. M.Vitale Waited  
 In till Plaintiff Was Talking And forcefully slammed  
 window on Plaintiff's finger removing Half 1/2 layer skin  
 long and wide Given Plaintiff Nerve damage forever  
 Then Defendant C.o. M.Vitale A Hour later bring  
 Plaintiff to Medical with SGT Miller due to Plaintiff  
 being scared And Staff Accusing Him Already and  
 C.o. M.Vitale Giving Him threatening looks Medical  
 First asked what Happen Plaintiff Said He don't  
 know Plaintiff Is in shock He then notify's His  
 family who slammed His finger When Call Out  
 Plaintiff Couldn't write, Walk out of Eat Properly  
 Plaintiff Broken Finger Nerve Is still damage  
 due to RN Sharon D'urucco deny Plaintiff Medical  
 Again His Finger didn't Properly Heal. Fail Procedure  
 Under New York State Law Commissioner But For  
 Discriminatory denials of rights to Access 15.8 Due Process  
 under Public Information And 1st Amendment Is Federal  
 552. Public Information, Agency Rules, Opinions, Orders, Records  
 and Proceedings 5 U.S.C. § 551 title 5 Government  
 Organization and Employee. The Organization And

18

PP

Employee Can Not With Hold Public Information for  
 A Government Interest Plaintiff submits Time, Place, location  
 (3) (A) FOIA Officer Bell used tactics that violate Plaintiff's  
 Due Process Please See FOIA Request V-Mey-0018-22 Exhibit 45  
~~FOIA~~ Please Both Request for FOIA Log No. V-Mey-0018-  
 22 Exhibit 45, 46 Was The Defendant Response (3) (A)  
 Says Time, location, Place. Now Please See Exhibit 47, 48  
 Plaintiff First Filed His Request 7-28-22 didn't Get Processed in  
 8-16-22 Plaintiff ~~used~~ Used Certified Mail Return Receipt Inside  
 His Facility 7021 0350 0000 58158160 Return Receipt  
 9590 9402 7498 2098 4784 93, Then when He Felt He Was  
 Not Getting A Proper Process He Payed 7.82 again 7021  
 1970 0006 87269627 9590 9402 7204 1284 3975 59  
 First FOIA Request Was 7-22-22 When Defendant Refused  
 Plaintiff Legal Mail 7-23-22, 7-24-22, 7-25-22 Was  
 to Prove He Never Received It this was the letter  
 from the Southern District the the Defendant's  
 with Held In till He Missed The deadline to file A  
 Counter Motion for 22-cv-1122 JGK The Exhibit  
 48 Was Another Piece of Evidence Plaintiff Wanted  
 to Present At This 9:22-cv-00723-BKs (1) Hearing  
 type 22-1153 (The Defendants Still Have Not Relocated)  
 (2) Mail Theft (3) C.O. A. Bezika Telling Plaintiff  
 He Has Go to the Back of His Cell Sit on His floor  
 like A Good boy to Eat (4) Plaintiff Kosher food  
 Again Was Violated Spit In His Donuts Defendant Used  
 threats of force Instead De-Escalation And Then

17  
10 11 12 13

Denied His Food Again saying He Has to go to the  
Back of His Cell Using Degraded Slurs like Boy to  
B\*t. Under 1<sup>st</sup> Amendment, And 14<sup>th</sup> Plaintiff Has 9 Rights  
to Contact the Media like News Station, Reporters If  
Plaintiff Wanted to foil A Video And STAFF Was on Camera  
Betting Plaintiff, Playing with His Religious Food, STEALING His  
Property (PRATT v. TAYLOR JR. 1986) Supreme Court U.S.A  
If Plaintiff Pays 7.82<sup>4</sup> It Is No longer Regular Correspondent  
(First-Class Mail Postage & Fees Paid USPS Permit No. G-10) Now  
(3) (A) "Time, Place, Location" And the Defendant Violates  
552. Public Information, agency, rules, OPINIONS, Orders, records and  
Proceedings 5 U.S.C § 55 Title 5 Government Organization  
and Employee (3)(A) By Making His own Rule See 45, 46  
" You Have Not Identified a specific incident I dont Have  
Too He Violated My due Process clause, 05/05/2022 Foil log  
No. 0116-22 on 05/06/2022 Plaintiff Had His Family Call the  
News Station and He spoke to some one Name Tom, Tom  
Told Plaintiff If He Could Get the Video of the Assault  
He Would Get to the Right Places See Plaintiff Could Press  
Charges Please See Exhibit 8 Every time STAFF Violates Plaintiffs  
Rights Excessive force 05/05/2022 and 06/07/2022 ~~Defendant~~  
Bell Discriminates Against Plaintiff See He Can't Rotate to the  
Media Denials of Rights to Access 15.8 Due Process under Public  
Information You See it with Exhibit 8 Please See Exhibit 37 G-17-22  
Foil log No. CO-22-177 And foil log No. CO-22-196 Defendant  
Sunday Catalfumo Sends Foil officer Bell a E-mail This is for  
05/05/2022, 06/03/2022, and 06/07/2022 Now G-28-22 Plaintiff

~~09/20~~

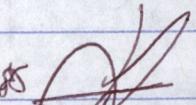
Right For Officer Bell 07/19/2022 MCY-0162-22  
Exhibit 49, And Exhibit 50 C POSR v. City of New York (2013)  
Foil Related Claim Due Plaintiff Claim In Addition, assuming arguendo  
Matthews v. Eldridge 424 U.S. 319, 332, 96 S.Ct 893, 47  
L.Ed.2d 18 1976 "The Policy" Even in New York State law  
(552. Public INFORMATION, AGENCY, Rules, OPINION, Orders,  
Records, and Proceedings 5 U.S.C.A. § 55 Title 5 Government  
Organization and Employees (3)(A)) ("Time Place Location")  
Not Narrow, VAGUE, ETC: "1 FLAG, 1 NATION, 1 CONSTITUTION  
UNDER GOD" The 14<sup>th</sup> Amendment Protects equal Protection  
Even Tho<sup>z</sup> Plaintiff is A Inmate FOI is FOI, FOIL or FOIA  
Time, location, and Place by FOI officer Bell Violating 552  
Public Information ETC: (3)(A) by placing His own "Need to  
Know the Incident STIPULATION" OR As He Said In Exhibit 45, 46  
"Your request is VAGUE and broad You Have Not Identified a  
Specific incident" That is Not F.O.I.L Policy or FOIA Policy He  
Is Discriminating on Plaintiff Violating His 14<sup>th</sup> Amendment.  
Failure to Maintain a Safe Environment 05/05/2022 The Camheus were  
Not Working Under (Groton v. Coughlin USCA 2nd Cir May 7, 2001)  
by 06/07/2022 Plant Superintendent Wiggins, PATRICK Reardon  
Still Is And did Allow the RMHU To Run With out Setting  
A Alternative Such As body CAMERAS On 05/05/2022 the  
Defendant didn't Know WATER, Chaplin, Giorduni, A. Bawinski, Roberto,  
And Imanizy were Going to Attack Plaintiff But For 30 days  
Later they Were Fully Aware The Camheus were Not working And  
on 06/07/2022 Again Plaintiff Was Attacked And the Video was  
broken And they Allowed the RMHU to Continue to Run.

20

ON 10-8-22 C.O. Finance Gave Me A Kosher Grape Juice with A Hole Small on the Bottom Plaintiff then Went to Place Grape Juice in Another container At this time Plaintiff took A Sip from Open Juice And Poured the Rest in another container About 1 Hour into After Plaintiff drank A sip His Stomach Started Burning throat started burning His Heart started Hurting Plaintiff then Poured Juice in another Clear container Put it under the light ~~He~~ Realized It was Red All in Juice like Paper Spray Plaintiff Called Medicul who Came And Plaintiff Said He was Poisoned He then Informed Nurse ~~Categorizing~~ #412 His Heart was Hurting And Could you Please take his vitals She told Plaintiff to wait she'd Come back in 30 Minutes Plaintiff Heart was Hurting 30 Mint Letter Nurse Categorizing came back And told Plaintiff she would Not take his vitals The Mercy RMHu Defendant Has been using A syringe to Inject Spit Paper Spray, And unknown substance Since 6-3-22 Plaintiff Is In Physical Pain Stomach, throat burning And the Mental and emotional distress of thinking He Contracted HIV OR AIDS 10-8-22 Medical Records shows He was suppose get A HIV/AIDS Test 10-9-22 Plaintiff stop Nurse Greg Wahller 42s Plaintiff Shows Ground Grape Juice whom again Refuse to test or take 10-10-22 whom Not A defendant Plaintiff WAS TRYING to And still Is show Staff that the defendant's Poisoned Him Please See Medical Records Exhibit 2,3,4 from 10-8-22 to Present Plaintiff Has fidling off Burning stomach, throat, Headache And Pain In abdomen from Personz Grape Juice STAFF has been using A syringe from 6-3-22 to Poke holes in Plaintiff Kosher Food Plaintiff Has Currently Gone on Hunger STRIKE 10-17-22

Plaintiff will be on 18 May 18 10-12-22 Plaintiff  
 Again Had law library Now C.O. M. June Comes  
 With the legal Mail Book He Seen Plaintiff's Name When  
 Again Plaintiff Asked C.O. M. June does He Have Plaintiff  
 legal Mail He Stated Noo Then Contacting Proc-ec office  
 Plaintiff ORDER from decket 22-cv-1122 JGH Was Default  
 On 4-25-22 Plaintiff Asked C.O. Regari does He Have legal  
 Mail A Affimation from the A.G. Office New York City  
 He Never Got After Plaintiff Filed Default Judgement  
 Motion Plaintiff Had to More of Per Speculation And write  
 Motion What Normally Happens when Plaintiff files default  
 like Proportion, Defendant's Saying lack Jurisdiction etc  
 before Again Captain Kierpacz took legal tablet in Proportion  
 Service Plaintiff Meaded A case He was Siting. C.O. Regari  
 told Plaintiff He was A Faggot And He Wasn't Getting shit  
 Plaintiff Identify & Himself Bi-ocual Plaintiff Has been  
 Calling Them Hotline since 10-1-22 C.O. Regari When off  
 Gallery toward front tells other staff Per Superintendent  
 Reardon that Faggot I don't to Get shit Again on  
 Video Plaintiff Calls Them Who takes his complaint  
 Plaintiff Was denied Photo Cell, Video of Photo by  
 Defendant Deputy of Photo And Mercy Administration  
 Plaintiff Has ~~one~~ Grievance on Mail tampering See Declaration  
 6 on Mail tampering 7 one Pending 2 on Food tampering  
 1 unfair treatment Deputy Commissioner Administration,  
 Deputy Commissioner Programs, Deputy Commissioner Gender  
 Deputy Commissioner for Correctional Services Deputy Commissioner Medical

22

Throw Grievance Appeal and Report But for His  
 Not Done Anything to Remedy All Plaintiff Constitutional  
 Violations Mail tampering ongoing Practice, food Violation  
 Forces Plaintiff Goo on Hunger STAFF throw up, take  
 Hiv test, Hepatitis test fear He Contacted A Doctor  
 discourage from Practicing Protestant, All Religious event,  
 CAN not Working Still Hasn't implemented a  
 Alternative And Plaintiff living in Fear, Denied Medical  
 Plaintiff Grievance Deliberate Indifference See Medical  
 2,3,4 Plaintiff Complain of Vision And Chest Pain  
 but was denied vital Plaintiff Is still Physically  
 Emotionally distressed INHumanity, Degrading treatment,  
 Defendant Mercy RMHU Program Abuses and violates Plaintiff  
 Civil Right Everyday Has Caused Plaintiff psychological torture Abusive  
 Behavior by staff Is a Continuing behavior Everyday  
 Illegal Deprivation Mercy RMHU Places Food up Box on Plaintiff  
 Cell And Leaves It 911 day And hangs on it 911 day  
 Everytime Plaintiff Is to Receive Food then Plaintiff Bed is Wet  
 He who is in Religious they And think this Is a continue  
 Act STAFF Continue tell Plaintiff He Can't sign for His legal  
 mail C.o.o Mayne, Reguri, and Jane Whiting M.Y.O.D. Director  
 D-Rectric 4421 and 4422 Plaintiff was left in A cell for  
 9 day with a broken Toilet And Had to Relieve Bowels  
 on Floor on Paper And throw it outside In His diaper  
 No STAFF in Mercy RMHU Would Assist Plaintiff for 9  
 days Degrading, INHumanity Treatment, Hostile living Environment  
 Create Plaintiff Psychological torture Patterned, Depressed feeling, Hepatitis 

asserted. Commonly asserted claims include: excessive force; failure to protect; deliberate indifference to medical needs; unconstitutional conditions of confinement; denial of due process in a disciplinary or other proceeding; denial of equal protection; retaliation for the exercise of a First Amendment right; and interference with free exercise of religion. Legal argument and case citations are not required. Use additional sheets of paper if necessary.

**FIRST CLAIM**

Due Process Viol, Mail Tampering, Deny Access to  
Courts, Deny Medical Deliberate Indifference Religious Mail Violation  
Emotional distress Fear Getting HIV OR Aids 8th Amendment

**SECOND CLAIM**

8th Amendment Excessive force, Failure to Intervene,  
Unsafe living Conditions & 8th Amendment, Training  
Subordinates

**THIRD CLAIM**

In Humane Degrading treatment Psychological torture  
Hostile living Environment Phya Violation

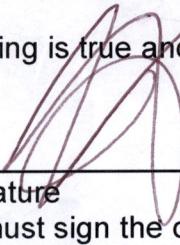
**VI. RELIEF REQUESTED**

State briefly what relief you are seeking in this case.

60 Million Compensation and Punitive damages, TRO Injunction  
Relief Preliminary Hearing Request for Body Camtech Alternative

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 10-13-14

  
Plaintiff's signature  
(All plaintiffs must sign the complaint)